

MAY.23.2006 3:11PM

ZILKA-KOTAB, PC

NO. 3038 P. 1

TO: USPTO

# ZILKA-KOTAB

PC  
ZILKA, KOTAB & FEECE™

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## FAX COVER SHEET

Date: May 23, 2006	Phone Number	Fax Number
To: Examiner Tran		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NVIDP015A/P001241

App. No: 10/804,434

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

### Message:

Examiner,

This message is in response to the Office Action dated May 11, 2006 in which Claims 1-17 are solely rejected under the judicially created doctrine of obviousness-type double patenting. Such rejection is deemed overcome by virtue of the terminal disclaimer submitted herewith. An allowance is therefore respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NVIDP015A).

Thank you,

Kevin J. Zilka

\*\*\*\*\*  
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.  
\*\*\*\*\*

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

May 23, 2006

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NO. 3038 P. 2

MAY 23 2006

Practitioner's Docket No. NVIDP015A/P001241

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Henry P. Moreton et al.

Application No.: 10/804,434

Group No.: 2628

Filed: 03/18/2004

Examiner: Tran, T.

For: Z-TEXTURE MAPPING SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Kevin J. Zilka, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER  
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.



Signature

Erica L. Farlow

(type or print name of person certifying)

Date: 5/23/2006

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection--page 1 of 2

05/24/2006 KBETENAI 00000009 501351 10804434

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Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,731,298 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,731,298, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. § 1.20(d))**

Other than a small entry--fee \$130.00.

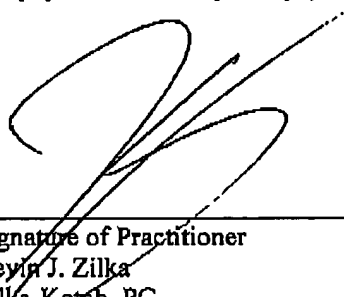
**FEE PAYMENT**

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 50-1351 (Order No. NVIDP015A).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

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\_\_\_\_\_  
Signature of Practitioner  
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Terminal Disclaimer to Obviate a Double Patenting Rejection--page 2 of 2